



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: December 17, 2012
Applicant: Bonita Carwash
Case No.: PCC-09-073
Address: 3048 Bonita Road
Project Planner: Caroline Young

Notice is hereby given that on December 17, 2012, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-09-073, filed by Bonita Carwash ("Applicant"), 3048 Bonita Road ("Project Site") and is owned by Charles Tibbett ("Property Owner"). The Applicant requests a CUP to establish an auto lube business as an accessory use to the existing carwash operation. The Project Site is zoned Commercial Visitor (CVP) Zone and has a General Plan designation of Commercial Visitor (CV). The Project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to establish an auto lube business as an accessory use to the existing carwash operation. A one-story 1,280 sq. ft. auto lube building will be constructed behind the existing carwash operation and serve up to four customers at one time. Vehicles will access the site through a one-way driveway off of Bonita Road. Garage doors are located in the front and rear of the building to allow vehicles to enter the building and then exit to Lynwood Drive after the service is completed. Pursuant to the Commercial Visitor (CVP) Zone Regulations, an auto lube business is considered an accessory use to the carwash use which is permitted uses upon approval of a Conditional Use Permit.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed auto lube business will provide a necessary and convenient service to surrounding residential neighborhoods. The nearest auto lube business serving

this area is the 76 Station on the northwest corner of Bonita Road and Willow Street, approximately 1.19 miles northeast of the project site. The provision of these goods and services in proximity to home and work contributes to the general well-being of the neighborhood and community by allowing residents to complete necessary, routine errands without the additional traffic generation of driving longer distances.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-09-073.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Commercial Visitor (CVP) Zone and has a General Plan designation of Commercial Visitor (CV). This finding is met because the Chula Vista Municipal Code designates the site for commercial. Thus, the proposed project is consistent with the General Plan land use Commercial Visitor (CV) designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-09-073 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

- 1 Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

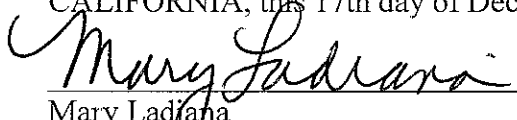
Date

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-09-073, date stamped approved on December 17, 2012, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.
2. Hours of operation for the facility shall be limited to 8:00 a.m.-5:00 p.m. daily for the auto lube business. The hours of operation may be amended by the Zoning Administrator upon request.
3. All work shall be conducted entirely within an enclosed building. No structures, tools, or other devices associated with the oil change operations shall be stored or otherwise located outside of the building.
4. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

5. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
6. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
7. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
8. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 17th day of December 2012.



Mary Ladana
Zoning Administrator